IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

TUESDAY, THE 6TH MARCH 2007 / 15TH PHALGUNA 1928

WP(C).No. 6051 of 2007(U)

PETITIONER:

DR.JOSHUA ISSAC, AGED 51,
S/O.DR. JAMES MOSES ISSAC,
KUMARI MANDIRAM, ALAYAMON VILLAGE,
PATHANAPURAM.

BY ADV. SRI.VARGHESE C.KURIAKOSE
SRI.PRAVEEN K. JOY

RESPONDENTS:

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1. ALAYAMMON GRAMA PANCHAYAT, REPRESENTED BY ITS SECRETARY, PANCHAYAT, ANCHAL,
KOLLAM.

2. SAJI KUMAR, S/O.CHELLAMMA,
SAJI BHAVAN, YEROOR.

3. D. OMANAKUTTAN, S/O.BHASKARAN PILLAI,
VASANTHAVILASAM VEEDU, YEROOR, KOLLAM.

BY ADV. SRI.P.S.NANDANAN
SRI.P.N.ANOOP
SRI.M.R.RAJESH
SRI.PRADEEP.V.S.
SMT.A.K.PREETHA
SMT.BINDHYA JOSE

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 06/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITINER'S EXHIBITS

EXT.P1: TRUE COPY OF THE TITLE DEED NO.446/85 DATED 25.1.1985.

EXT.P2: TRUE COPY OF THE TITLE DEED NO.2062/1997 DATED 23.6.97.

EXT.P3: TRUE COPY OF PHOTOGRAPHS OF THE ILLEGAL CONSTRUCTION.

EXT.P4: TRUE COPY OF THE COMPLAINT.

/TRUE COPY/

PA TO JUDGE.

S. SIRI JAGAN, J.

W.P.(C)NO. 6051 OF 2007

DATED THIS THE 6th DAY OF MARCH, 2007

JUDGMENT

The petitioner is aggrieved by alleged illegal construction made by respondents 2 and 3 in violation of the Building Rules. In the above circumstances, he has approached this Court seeking the following reliefs.

> "(i) To issue writ, order, or direction directing the 1st respondent to take action on the complaint against the illegal construction by respondents 2 & 3 and to demolish the illegal construction, which is against the Act & Rules and consider Exhibit P4, within a time limit.
>
> (ii) and to grant such other and further reliefs as are just and proper and necessary in the facts and circumstances of the case."

2. I have heard the learned counsel for the petitioner, the learned counsel for the 1st respondent – Panchayat and the learned counsel appearing for respondents 2 and 3.

3. Although the 1st respondent – Panchayat would submit that the Panchayat does not seem to have received Ext.P4, I am inclined to direct the Panchayat to consider the objection as contained in Ext.P4 produced before this Court.

Accordingly, I direct the Panchayat to consider the complaint of the petitioner in Ext.P4 and pass appropriate orders thereon after affording an opportunity of being heard to the petitioner as well as the respondents 2 and 3 as expeditiously as possible, at any rate within one month from the date of receipt of a copy of this judgment.

S. SIRI JAGAN, JUDGE

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